

disclaim, as I do now, any such views. In regard to the general law, there was in that legislature a man who had much more influence in procuring its passage than Col. Taylor. I mean the present chief magistrate of the United States. I do not believe that all the united force of its advocates would then have carried the measure through that body, but for the weight of character of James Madison.

Mr. Lumpkin, of Georgia, moved that the committee now rise; not that he desired to take any part in the discussion of the bill, but in the hope that the house would, tomorrow, recommence the discussion of the question actually before the committee, and have done with matters which had no sort of connexion with it. [The committee rose.]

MARYLAND GAZETTE.

Annapolis, Thursday, Feb. 27.

"COUNTY SCHOOLS" is received, and will be attended to next week.

For the Maryland Gazette.

Some of the Baltimore patriots, for the last two or three weeks, have been labouring to produce an "opportunity" to one of the laws of the last session. The limits of the city of Baltimore, have from time to time been altered, as was rendered necessary by the growth of the place. No extension of them, however, having taken place for some time past, the consequence is that a considerable part of the town was not part of the city, and scarcely any person could distinguish between the city and county. The general assembly, at its last session, intended to remedy this evil, by extending the limits of the city, & annexing to it what has been called the precincts. This is the measure which has been so much commended by the enlightened patriots in the Baltimore democratic prints. It is said to be an act of great injustice to the precincts, not to be allowed to enjoy all the benefits, without being subjected to any of the burthens, of being a part of the city. The corporation is called upon to refuse to obey the law; and its members are told, "to act firmly, and receive the plaudits of the people." Very well.—Again—"Are you then, a democratic council, appointed by democratic Baltimore, already made to tremble, and with fear act upon a law diametrically opposite to the interests of those you represent, and against the decided wishes of those to be affected by it?" Item—"Be true to the world that you are Baltimoreans, and not made to tremble by the vain boasting threats of any legislator." Lastly—"Act independently, and notwithstanding the wild schemes of the bawling faction, show that you are not afraid to discharge your duty," by refusing to obey the law; that is to say "insurrection is a holy duty"—all of which put together, proves past a doubt, that the mob spirit is extinguished in Baltimore; that the people of that place are a quite orderly people, among whom the legislature might hold its sittings without the least danger of any disturbance. One reason assigned why the law should not now be executed is, that the next legislature may repeal it. And so they might, and no doubt would, if the next legislature was to meet in Baltimore. What a pity it is, that the seat of government was not removed just that these good people, who tell us they "certainly have a right to expel their voice will be heard" might be able to make the legislature tremble.

ABRAHAM.

For the Maryland Gazette.

Duelling in Maryland is suppressed! Much praise is due to the author of this measure. It is certain that many who were convinced of the propriety of such a law, and wished it to be passed, yet had not the courage to propose it. One horrible practice may be said to be now abolished in Maryland, one crying sin is at an end. Much yet however remains to be done by the legislature, and the religious part of the community ought not to be satisfied until the whole of it is done. The facility with which divorces have for some years been obtained, is another great public sin. It seems to have been thought by some legislators, that it was their duty to grant a divorce when it was asked for, and to put asunder those whom God had joined together. Yet our Saviour himself has explicitly declared (5 Matt. 32) what alone

shall authorize a man to divorce himself from his wife. Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery, and whosoever shall marry her that is divorced, committeth adultery." This surely ought to be sufficient authority with those who declare their belief in the christian religion, and renders it necessary that the crime should be established by a proper tribunal, and not by the legislature, upon the allegation of the parties, or *ex parte* proof. Another crime which it seems can be and is perpetrated with impunity, is that of gambling. Every where the law for the suppression of this vice is found insufficient; but we learn, that directly under the eye of the legislature, and even by members of the legislature, it is violated without fear, and without punishment. It is told to us, that at the commencement of every session, a set of gamblers regularly repair to the seat of government, continue there as long as the session lasts and quit it with the members; that they contrive to get some secret room, into which none are admitted who cannot be trusted, and in this way they manage to keep themselves secure from the officers of justice. It is alleged, that members of the legislature not only go there, but that some of them have actually lost more than they were able to pay with these gamblers. Deplorable indeed is the situation of a state, when its law-makers become law-breakers; when those who in their legislative capacity, make it criminal to set up a gambling table; and declare that the persons engaged in it shall be condemned to the penitentiary, will yet frequent the room of gamblers, and encourage them to break the laws. To correct this is surely the duty of the legislature; and the house of delegates, as the grand inquest of the state, have full power to correct and stop this horrid sin. Then let us speak out to our delegates, and before we elect them, be sure that they are disposed to take all lawful steps in order to put a stop to gambling, and other vices of the legislature.

PETER SAMPSON.

LAWS OF MARYLAND.

Passed December Session, 1816.

AN ACT

To empower and authorize the several County Courts of this State to direct the opening, straightening, or shutting up, of public roads.

1. Be it enacted by the General Assembly of Maryland, That it shall and may be lawful for the several county courts of this State, upon petition to them by any person or persons interested in opening, straightening, or shutting up a public road, in such county, to charge the grand jury true presentment to make, if the public convenience requires such road to be opened, straightened or shut up, and if the grand jury should be of opinion that such road ought to be opened, straightened or shut up, that then the said grand jury shall in open court make inquisition thereof, under their hands and seals, stating from whence and to what point the said road shall be so opened, straightened or shut up; and upon the said inquisition so as aforesaid made, it shall and may be lawful for the said county court to examine into, and inquire whether, under all the circumstances, it would be advantageous to the public that the said road shall be so or otherwise opened, straightened or shut up, and if the said court shall be of opinion that the said road ought to be so or otherwise opened, straightened or shut up, that then it shall and may be lawful for the said court to nominate five commissioners, who shall be freeholders, and not related to the parties, nor holding lands through which the said road shall be opened, straightened or shut up, to open, straighten, or shut up the said road, in the manner hereinafter mentioned; and the said court shall decide if the expenses, or any part thereof attending the application for and of opening the said road, shall be paid, or secured to be paid, by the persons petitioning for the same, or levied on the county.

2. And be it enacted, That the said court, before they proceed to charge the grand jury to make inquisition as aforesaid, shall be satisfied that two months notice has been given in some newspaper printed in the county in which the land lies, (if one be printed there) and by advertisements set up in the most public places, and at the court house of the county, of the intention to apply to the said court for

the opening and straightening, or shutting up, of such road.

3. And be it enacted, That it shall not be lawful for any road opened or straightened in virtue of this act, to pass through the buildings, yards, gardens or orchards, of any person or persons, without the consent of the owner or owners thereof.

4. And be it enacted, That the said commissioners so as aforesaid appointed by the county courts as aforesaid, for the purpose of opening, or straightening the road as aforesaid, or a majority of them, shall proceed to lay out or straighten on the road so as aforesaid ordered by the said county court to be opened or straightened, in the manner and of the width that the county court shall have directed, as well as the nature of the ground and other circumstances will admit.

5. And be it enacted, That it shall be the duty of the said commissioners, so as aforesaid appointed by the court, or a majority of them, to cause a plot and certificate of the said road, so opened or straightened, to be made and returned to the levy court of the county in which such land lies; and if the said county court shall have determined that the damage shall be levied on the county, it shall be lawful for, and the said levy court are hereby enjoined, to levy upon the assessable property of the said county, a sum of money such as they may deem necessary to open, clear or straighten, the said road, agreeably to the plot and certificate aforesaid; and the said road, when so opened, cleared or straightened, shall be, and the same is hereby declared to be, for ever thereafter a public road, and shall be kept in repair as other public roads are.

6. And be it enacted, That the said commissioners, or a majority of them, shall value and ascertain the damages that may be sustained by each and every person, through whose lands the said road may pass, by opening or straightening of the same, taking into consideration the advantages and disadvantages of the same, if any, and the damages, so ascertained, shall be levied and assessed as other county charges are, and shall be paid over to the persons respectively through whose lands the said road shall pass, provided, that the money levied or assessed for the purpose of discharging the damages aforesaid shall be paid before the said road shall be opened or straightened agreeably to the plot and certificate aforesaid.

7. And be it enacted, That the said commissioners before they proceed to act, shall take an oath before a justice of the peace, that they will without favour, partiality or prejudice, assess the damages sustained by the persons through whose lands the said road shall pass, by reason of opening the same.

8. And be it enacted, That if any person or persons through whose lands the said road shall pass, or his, her, or their guardian, shall conceive himself, herself or themselves, aggrieved by such valuation and assessment of damages by the said commissioners respectively, it shall and may be lawful for any justice of the peace, on his, her or their application, to issue his warrant, under his hand and seal, directed to the sheriff of the county, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises on a certain day, of which six days notice at least shall be given to the party or parties interested; and the said jurors, when so met, and having first taken an oath before some justice of the peace, that he will without favour, affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her, or their land, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages, if any, and such inquisition and valuation shall be final and conclusive between the parties respectively; provided, that nothing herein contained shall in any manner authorize the said commissioners to lay out or open the said road through the buildings, gardens, orchards or meadows, of any person or persons, without his consent.

9. And be it enacted, That the said commissioners shall be entitled to receive a compensation for their services and attendance, not exceeding two dollars a day, to be ascertained by the levy court of the county to which the said plot or

certificate shall be returned, which, together with all charges arising from the survey or attendance of witnesses, shall be levied, collected and paid, as herein before directed.

10. And be it enacted, That in order to prevent expense to the county from the unnecessary attendance of witnesses, it shall be the duty of the several county courts upon the petition being filed as aforesaid, to assign and set apart some certain day during the term for charging the grand jury to make inquisition as aforesaid, to which day all subpoenas to testify to the grand jury in and respecting the said petition, shall be returned, and the said county courts are hereby vested with all and singular the powers to enforce the attendance of the witnesses in the same manner that they now can or hereafter may enforce the attendance of witnesses in other cases.

11. And be it enacted, That the officers of the several county courts of this state, shall be entitled to receive the same fees for all business done in virtue of this law as are now, or shall be hereafter received, for like services, to be levied, collected, and paid as aforesaid.

12. And be it enacted, That nothing in this act shall be construed to extend to repeal the power heretofore vested in the several levy courts of this state in and relating to the altering of public roads through the lands of persons petitioning for such alteration.

AN ACT

To authorize the Chancellor, and the several County Courts of this State, to order and decree the sales of real estate of Minors in the cases therein mentioned.

Sec. 1. Be it enacted by the General Assembly of Maryland, That where any infant or infants are or shall be possessed of any lands, tenements, hereditaments or real estate, whatsoever, it shall and may be lawful for the chancellor, or for the several county courts, within this state, as a court of equity, upon the petition of the guardian or *prochein ami*, of such infant or infants, after summoning such infant or infants, and his appearance by guardian to be appointed by the chancellor, or the county courts as aforesaid, and upon the hearing and examination of all circumstances, and upon its appearing to the said chancellor, or the county courts as aforesaid, that it will be for the interest and advantage of such infant or infants to sell such lands, tenements, hereditaments or real estate, or any part thereof, to order and direct such lands, tenements or hereditaments, or any part thereof, to be sold upon such terms as the chancellor or the county courts as aforesaid may direct.

2. And be it enacted, That the chancellor or county courts as aforesaid, shall have full power and authority to appoint a trustee or trustees for the purpose of making any sale by them directed in pursuance of this act.

3. And be it enacted, That all sales made by the authority of the chancellor or county courts as aforesaid, under this act, shall be notified to, and confirmed by the chancellor or county courts as aforesaid, and the purchase money for the same shall be paid, before any conveyance of the property shall be made; and bond with good and sufficient security, to be approved by the chancellor or county courts as aforesaid, shall be given by the person or persons empowered to sell property as aforesaid, for the due execution of the trust committed, which bond shall be lodged with the register in chancery, or clerk of the county court as aforesaid; and any person interested in such sale shall have a right to a copy of such bond, and a certificate from the said register, or clerk, under his hand and seal of office; upon which copy and certificate an action may be maintained, in the name of the state, for the use of the party interested and apprehending himself aggrieved; and judgment may be by such party recovered, upon such action, for the damages by him actually sustained, and the plea of *non est factum* shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

4. And be it enacted, That the chancellor, or the county courts, as aforesaid, shall have full power and authority to allow any trustee, who shall make a sale of any real estate by virtue of this law, such commission from one to seven and an half per cent for his trouble in selling

thereof, and paying over the same as the chancellor or the county courts as aforesaid shall, under a consideration of all circumstances, think just and right.

5. And be it enacted, That the proceeds of the sales made by and in virtue of this law, shall be paid over by the trustee or trustees to the guardian or guardians of such infant or infants, to be by such guardian or guardians vested in such public stock, or other permanent funds, as will at least net six per centum per annum at the time of the purchase, and as the orphan's court of the county, by whom such guardian or guardians shall have been appointed, shall direct.

6. And be it enacted, That the surplus interest, after what may be necessary for the maintenance and education of the said infant or infants respectively, as it accrues, shall be vested by such guardian or guardians, in such stock as aforesaid, and as the orphan's court shall may direct as aforesaid.

7. And be it enacted, That all monies vested by and in virtue of this law, shall be vested in the name of such infant or infants, and shall be transferable only by virtue of an order of the orphan's court aforesaid, and all transfers without such order are hereby declared void to all intents and purposes.

8. And be it enacted, That as part of the principal arising from the sale of any real estate by virtue of this law, shall in any wise be applied towards the maintenance and education of any infant unless the chancellor or the county court, in the case may be, shall consider it necessary for the education or maintenance of the minors.

9. And be it enacted, That in case of the death of any such infant or infants before their arrival at lawful age, or his, her, or their death without lawful issue, the proceeds of the said sale, or the said stock, shall be considered as real estate, and as such shall descend to those heirs or representatives who would have been entitled to the said lands, in the same manner as if the same had not been sold in virtue of this law.

10. And be it enacted, That in case a widow shall be entitled in any right of dower, and will consent to the sale of the whole estate, she shall signify her consent in writing, and the same shall be filed with the clerk of the county court, or the register of the chancery, as the case may be, and thereupon the trustee or trustees as aforesaid, shall proceed to sell the whole estate, according to the terms to be prescribed as aforesaid, free and discharged of any right of dower of the said widow in and to the same, in consideration thereof the chancellor, or county courts respectively, shall award to such widow such proportion of the purchase as they shall think just and equitable, not exceeding more than one twentieth part nor less than one fortieth part of the net proceeds of the sales, according to the age, health and condition, of such widow, and such award of payment shall be sufficient bar to all and every right or title of dower which such widow may claim in and to such real estate so as aforesaid sold.

11. And be it enacted, That in case the widow shall not elect the lands, tenements or hereditaments, so ordered to be sold, she shall be sold free, clear and discharged of any right of dower which she may have in and to the same, then and in that case it shall be lawful for the chancellor or the county courts, as the case may be, to issue a commission to the commissioners, in the same manner as is directed by an act, entitled "An act to direct descents" and the said commissioners shall proceed in manner and form as directed by the said acts to lay out and locate the widow's dower, and to the said lands, tenements and hereditaments, and the said commissioners shall make report of the said location to the chancellor, or county courts, as the case may be, for rejection or confirmation, as in other cases under the said act, and of the several supplements thereto.

12. And be it enacted, That any trustee or trustees appointed under this law, shall deposit the same in such cases as shall be lawful for the chancellor or the county courts, as the case may be, to appoint a trustee or trustees, in the place of such trustee or trustees, so dying, and the said trustee or trustees shall execute the same in the manner prescribed by law.

13. And be it enacted, That the chancellor or the county courts of this state, shall and may exercise and every the powers herein provided in all cases where an infant or infants are seized of a reversion, pendant upon an estate for life, and upon the assent of the tenant for life, for the sale thereof, to order and adjudge the annual interest, or such part thereof, as they may deem equitable, to be paid over to such tenant for life, during his life.

AN ACT

To continue in force the acts of assembly which would expire with the present session.

Be it enacted by the General Assembly of Maryland, That all acts and parts of acts of assembly, except the act, entitled, "An act to authorize the several banks in this state to issue small notes for a limited time, and for other purposes" which would expire with the present session, be and the same are hereby continued until the twentieth day of November next, and until the end of the next session of assembly which shall happen thereafter.

HARTFORD, Feb. 17.

Honour to Com. McDonough.

His Honour the Mayor of the City of Hartford, having received from His Excellency the Governor of New York, polite notice that circumstances had rendered convenient that the ceremony of delivering to Com. McDonough the sword voted to him by the State of New York, should take place in this city, on Thursday the 13th inst. proceeded to convene the court of Common Council, who united with him in the appointment of a committee of arrangement to take measures for a general attendance of the citizens, respectfully to receive the delegation commissioned for the delivery, and duly to honour the arrival of the Hero of Champlain.

Delegation from the State of New York for the delivery of the Sword, Adj. Gen. Solomon Van Rensselaer, Hon. Henry Seymour, of the Senate, Wm. A. Duer, Esq. of the Assembly, Col. A. Lamb Aid to Gov. Tompkins James King, Esq. of Albany.

The delegation arrived on the evening of the 12th in an elegant sleigh, its box presenting the form of a beautiful barge, its stern having this inscription—

MCDONOUGH.

The morning of the 13th proved that the day was to be characterized by the extreme of cold; that did not, however, prevent a most zealous devotion to the occasion.

The Commodore was met in Weathersfield and escorted into Hartford by the governor's Horse Guards under the command of Maj. Buck, and by great numbers of our citizens, his arrival was announced by the discharge of cannon and the ringing of bells.

At 2 P. M. Commodore McDonough, escorted by the governor's foot guards commanded by Major Goodwin, by part of the committee of arrangement, and by military officers in uniform; and the Delegation from the state of New York, escorted by the artillery, under the command of Capt. Kelley, and city authorities; repaired from their respective lodgings to the elevated steps of the Phoenix Bank fronting the State House, that position favouring the curiosity of the greatest concourse of people witnessed in Hartford since the illumination of Peace.—The Commodore and the Delegates met, on the steps of the Bank, and the august ceremony commenced.—Mr. Duer, of the delegation, bearing in his hand the regu- lent meed of modest merit, uncovered, and approaching the Commodore, audibly and eloquently addressed to him the following encomium; presenting at the same time the reward of Heroism.

Address of the Delegation by Mr. Duer.
Commodore McDonough,
We are delegated by the Governor of New York, to present the sword voted to you by the Legislature of the State, as a testimonial of the valour, constancy and skill which under a protecting providence enabled you to achieve the victory of Lake Champlain.

The splendid triumph obtained by the squadron under your command over a superior British force, has secured to you an imperishable name in the annals of the age. It has commanded the applause of distant nations, and called forth the gratitude of your country. That portion of your fellow-citizens, whose sentiments we now convey to you, may

not appreciate more than you do the value of this sword, but as it is directly benefited by the victory, they feel, perhaps, the value of your services, and the period of the life were consequently dependent upon it. A numerous and many of the army bran troops, led generals, and flushed quest, penetrated the naval armament, advance into the storm of war, one point. In of your suspend, even upon your efforts, and the most sal of your country realized. By a you compelled the approach your moon advantage. By your fire, the manoeuvres, the you had infused in by your own unrate valour, your signal as decisiv as any inscribed lar of your cour and destroyed a the adverse squ led the invading you saved our to our border dwell des' ruotion—the banishment, cap tives like these, nor can they be of our fellow-ci surrounding sh spectators of t point to the and their deliv associate with the remembrance In the presence brilliant concou of a sister Stat rities of this whom we are s their co-operat name of the p this sword, as a felt admiration their lasting re owe to you, at the charge coun not do justice to patriotic chief have the honou we on this occa pression of his high sense of gratitude for y tions, and his te temporal and e Commodore I Impressed w the distinguish on me by the State of New- York, in this tation of this with sentiment tification and i cence of that on many occas her to the high sustains. Not more of her li and I trust no with more gra zens of Hart knowledge me very prompt a in which they lency the Govern New-York, in this sword. I b accept the ass respect and e Address to the It is impos our obligations semblage of fe authorities of are here prese gistry and in of Hartford in liberality and have assisted officer who has mongst them. duty to make to the Execu State, under w have acted, a mands.

The ceremonious and univ nation rent th from an excell way its echoes The process cort the Comm legation, to M approaching fo Order of 1 Artillery on from the 5 3 Judges of the Clergy—7 M